

08CRIM 339

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-vs-

MARK McKELVIE,

Defendant.

06-CR- 6083T

INFORMATION

(Felony)

Violation:

26 U.S.C. §7206(1)

COUNT 1

The United States Attorney Charges:

That on or about April 15, 1998, in the Western District of New York, the defendant, **MARK McKELVIE**, did willfully make and subscribe a federal income tax return for the year 1997, which return was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, and which return the defendant did not believe to be true and correct as to every material matter in that the said return reported a taxable income amount which was false, whereas, as the defendant then and there well knew and believed, the taxable income amount on his federal income tax return for

RECEIVED
APR 14 2008
U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
PROSECUTION

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APR 14 2008

ECF
DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of New York

Date Filed: 5/14/08
Kodney C. Early, Clerk

By: J. Michael G. Deputy Clerk

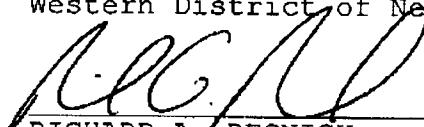
the year 1997 should have been substantially greater than the amount reported on said return.

All in violation of Title 26, United States Code, Section 7206(1).

Dated: Rochester, New York
May 16, 2006.

TERRANCE P. FLYNN
United States Attorney
Western District of New York

By:


RICHARD A. RESNICK
Assistant United States Attorney

U.S. Department of Justice

08CRIM 339

Rule 20 -- Transfer Notice

To:	Richard A. Resnick, AUSA	District	Western District of New York	Date	5/16/2006
Name of Subject:	Mark McKelvie	Statute Violated	26 U.S.C. 7206(1)	File Data (Initials and Number) 06-CR-6083T WDNY	

Part A -- District of Arrest

- The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- Other (Specify): _____
- The above-named defendant entered a plea of guilty under Rule 20.

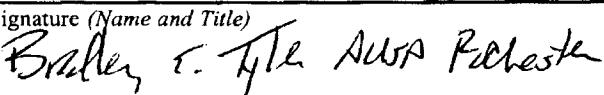
Date of Plea Date of Sentence Sentence

From (Signature and Title)  RAYMOND J. LOHIER AUSA	Address U.S. Attorney's Office - Southern District of New York 1 St. Andrews Plaza New York, New York 10007
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Part B -- District of Offense

- I am agreeable to Rule 20 disposition.
- I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at
on _____ at _____ o'clock
- (Kindly notify me of any anticipated delay)
- Enclosed are two certified copies of indictment or
information
- Please have defendant execute waiver of indictment.
- Other (Specify): _____

Docket No. 06-CR-6083

Signature (Name and Title) 	District	Date
	Western District of New York	7/5/07

See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.
Replaces OBD-101, Fed. 83 edition may be used

FORM USA-231
NOV. 85

Transfer Documents6:06-cr-06083-CJS USA v. McKelvie**U.S. DISTRICT COURT****U.S. District Court, Western District of New York****Notice of Electronic Filing**

The following transaction was entered on 7/9/2007 at 10:08 AM EDT and filed on 7/5/2007

Case Name: USA v. McKelvie

Case Number: 6:06-cr-6083

Filer:

Document Number: 6

Docket Text:

CONSENT TO TRANSFER JURISDICTION (Rule 20) to Southern District of NY Counts closed as to Mark McKelvie (1) Count 1. (TO)

6:06-cr-6083-1 Notice has been electronically mailed to:

Richard A. Resnick richard.resnick@usdoj.gov, kim.pettit@usdoj.gov, marylyn.rodriguez@usdoj.gov, sean.eldridge@usdoj.gov

Michael A. Burger mburger@dfckg.com, dparsons@dfckg.com

6:06-cr-6083-1 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1042579058 [Date=7/9/2007] [FileNumber=859392-0]
[e046486e75732ab00aa27949acb16584a9f9b37a29c7889cda7986e69e6fd0acba882
34300232410ebd6df1fac0aebbef2a9e296adb0ed52c4fa05eb5850c083]]

CLERK, U. S. DISTRICT COURT
100 STATE STREET
2120 U. S. COURTHOUSE
ROCHESTER, NEW YORK 14614
(585) 613-4000

Rodney C. Early, Clerk

7/9/07

Southern District of New York
Clerk, US District Court
US Courthouse 500 Pearl St.
Room. 520
NY, NY 10007

RE: U. S. vs. MCKELVIE 06-CR-6083

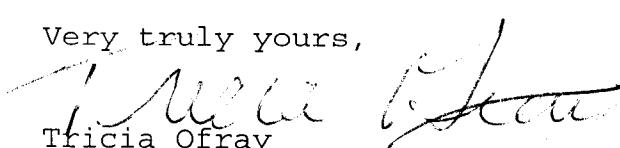
Dear Clerk:

Pursuant to Rule 20 of the Federal Rules of Criminal Procedures, enclosed are the following:

1. Certified copy of criminal complaint
2. Certified copy of information
3. Certified copy of Rule 20- Transfer notice
4. Certified copy of Consent to Transfer for Plea
5. Certified copy of docket sheet

Please acknowledge receipt of the above on the copy of this letter to this office.

Very truly yours,


Tricia Ofray
Deputy Clerk

pc: U. S. Attorney
Probation
Michael Burger

Receipt of the above described documents is acknowledged herewith.

Clerk, U. S. District Court

Dated: By:
Deputy Clerk

**U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CRIMINAL DOCKET FOR CASE #: 6:06-cr-06083-CJS All Defendants
Internal Use Only**

Case title: USA v. McKelvie

Date Filed: 05/16/2006

Assigned to: Hon. Charles J. Siragusa

Defendant

Mark McKelvie (1)

represented by **Michael A. Burger**

Davidson, Fink, Cook, Kelly &
Galbraith, LLP
28 East Main Street
Suite 1700
Rochester, NY 14614
(585) 546-6448
Fax: (585) 546-8125
Email: mburger@dfckg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

26:7206A.F FRAUD AND FALSE
STATEMENTS

(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Richard A. Resnick**

U.S. Attorney's Office

100 State Street

Room 620

Rochester, NY 14614

585-263-6760, ext. 2241

Fax: 585-263-6226

Email: richard.resnick@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/16/2006	①	INFORMATION as to Mark McKelvie (1) count(s) 1. (TO,) (Entered: 05/16/2006)
05/16/2006	②	WAIVER OF INDICTMENT by Mark McKelvie (TO,) (Entered: 05/16/2006)
05/16/2006	③	Minute Entry for proceedings held before Judge Michael A. Telesca :Arraignment as to Mark McKelvie (1) Count 1 held on 5/16/2006. Defendant present w/counsel. Defendant pleads not guilty. Felony information and waiver of indictment executed. Case to be transferred pursuant to F.R.Cr.P. 20. Government to submit order of excludable time from 5/16/2006 to 7/17/2006. Defendant released on his own recognizance. Appearances: R. Resnick, M. Berger. (Court Reporter KW.) (MS,) (Entered: 05/17/2006)
05/17/2006	④	ORDER TO CONTINUE - Ends of Justice as to Mark McKelvie Time excluded from 5/16/06 until 7/17/06. . Signed by Judge Michael A. Telesca on 5/17/06. (TO,) (Entered: 05/17/2006)
08/29/2006	⑤	TEXT ORDER as to Mark McKelvie transferring case to Judge Charles J. Siragusa . Signed by Judge Michael A. Telesca on August 29, 2006. (MS,) (Entered: 08/29/2006)
08/29/2006	⑥	Judge update in case as to Mark McKelvie. Judge Charles J. Siragusa added. Judge Michael A. Telesca no longer assigned to case. (MS,) (Entered: 08/29/2006)

ATTEST: A TRUE COPY
 U.S. DISTRICT COURT, WDNY
 RODNEY C. EARLY, CLERK
 By [Signature] Deputy Clerk